



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,652	09/25/2003	Haruhiko Kinoshita	Q77552	5574
23373	7590	01/25/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PATEL, DHAIRYA A	
ART UNIT	PAPER NUMBER		2151	
MAIL DATE	DELIVERY MODE		01/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/669,652	KINOSHITA, HARUHIKO
Examiner	Art Unit	
Dhairya A. Patel	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 October 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/12/2007</u>	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This action is responsive to communication filed on 10/18/2007. Claims 1-24 are subject to examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. U.S. Patent Publication # 2002/0007368 (hereinafter Lee).

As per claim 1, Lee teaches a method for generating a content management information used in determining a plan for utilizing contents in a plurality of utilization modes, comprising the steps of:

-saving initial information about an object content (program) (Paragraph 33) (Paragraph 34) (Paragraph 36);

The reference teaching saving multimedia data (content) which is a serially televised program includes serial drama running time of a program, first episode of the series (initial information)

-deciding whether initial information contained in each of a plurality of utilization result information indicating utilization results of other contents in the past is on the same level as the initial information of the object content (Paragraph 38,39,40,41);

The reference teaches user selects the first episode of the series (initial information) and stores it in the multimedia data list and once that is done user select second episode of the series (contents in the past is on the same level as the initial information) of the TV program (object content)

-extracting the utilization result information that contains the initial information decided to be on the same level (Paragraph 58, 61-64); and

The reference teaches having usage history/usage time (utilization result) that contains program ID (initial information), inherent ID and common list and that usage history/usage time is same level has program ID and inherent ID (decided to be on the same level)

-generating the content management information about the object content based on the extracted utilization result information (Paragraph 65) (Fig. 9).

The reference multimedia service reflecting user preference, multimedia can be efficiently managed with user's history (utilization result information) reflecting a user preference about TV program. In Fig. 9, Lee teaches usage history list (utilization result) w/ usage time, P\_ID(B) (program ID) (object content) and inherent characteristic

information and common characteristic information and the link (generating content management information).

As per claim 2, Lee teaches a method for generating a content management information used in determining a plan for utilizing contents in a plurality of utilization modes, comprising the steps of:

-saving initial information about an object content (program)(Paragraph 33) (Paragraph 34)(Paragraph 36);  
The reference teaching saving multimedia data (content) which is a serially televised program includes serial drama running time of a program, first episode of the series (initial information)

-deciding whether initial information contained in each of a plurality of utilization result information indicating utilization results of other contents in the past is on the same level as the initial information of the object content (Paragraph 38,39,40,41);

The reference teaches user selects the first episode of the series (initial information) and stores it in the multimedia data list and once that is done user select second episode of the series (contents in the past is on the same level as the initial information) of the TV program (object content)

-extracting the utilization result information that contains the initial information decided to be on the same level and that is indicative of any one of a top ranking predetermined number of utilization effects contained in the utilization results (Paragraphs 58,61-64); and

The reference teaches having usage history (utilization result) that contains the usage time, program ID (initial information), inherent ID and common list and that usage history/usage time is same level has program ID and inherent ID (decided to be on the same level)

-generating the content management information about the object content based on the extracted utilization result information (Paragraph 65)(Fig. 9).

The reference multimedia service reflecting user preference, multimedia can be efficiently managed with user's history (utilization result information) reflecting a user preference about TV program. In Fig. 9, Lee teaches usage history list (utilization result) w/ usage time, P\_ID(B) (program ID) (object content) and inherent characteristic information and common characteristic information and the link (generating content management information).

As per claim 3, Lee teaches the method according to claim 1, wherein the initial information contains the utilization result of the object content in a predetermined utilization mode at a predefined initial stage (first episode of the series) (Paragraph 37,38)

As per claim 4, Lee teaches the method according to claim 3, wherein in case values indicated by the respective utilization results contained in the plurality of initial information (first episode) are all in a predetermined range, the plurality of initial information are decided to be on the same level (second episode or third episode) (Paragraph 37,38,39,40,41,42).

As per claim 5, Lee teaches the method according to claim 1, wherein the initial information contains a holding result of an event based on which the object content has been created (Paragraph 51)(Paragraph 52).

As per claim 6, Lee teaches The method according to claim 5, wherein in case values indicated by the respective holding results contained in the plurality of initial information are all in a predetermined range, the plurality of initial information are decided to be on the same level (Paragraph 51-52).

As per claim 7, Lee teaches the method according to claim 1, wherein the utilization result information contains the respective utilization results in the plurality of utilization modes (Paragraph 50); and the extracted utilization result information is used to thereby derive an average value in each of the plurality of utilization modes (Paragraph 51)(Paragraph 52)(Paragraph 54).

As per claim 8, Lee teaches the method according to claim 1, wherein the content contains image data (Paragraph 33,34); and a mode of utilizing the content as data of a movie used at least when showing the movie is included as one of the modes of utilizing the content (Paragraph 50).

As per claims 9,17, teaches same limitations as claim 1, therefore rejected under same basis.

As per claims 10-16, teaches same limitations as claims 2-8, therefore rejected under same basis.

As per claims 18-24, teaches same limitations as claims 2-8, therefore rejected under same basis.

***Response to Arguments***

Applicant's arguments filed 10/18/2007 have been fully considered but they are not persuasive.

As per remarks, Applicant stated the following:

- A). Applicant states Lee fails to teach "extracting the utilization result information that contains the initial information decided to be on the same level"
- B). Applicant states Lee fails to teach "generating the content management information about the object content based on the extracted utilization result information"

As per remark A, Examiner respectfully disagrees with the applicant because in Paragraphs 58,61-64, Lee teaches having usage history/usage time (utilization result) that contains program ID (initial information), inherent ID and common list and that usage history/usage time is same level has program ID and inherent ID (decided to be on the same level). Therefore Lee teaches the claimed limitations.

As per remark B, Examiner respectfully disagrees with the applicant because in Paragraph 65 and Fig. 9, Lee teaches multimedia service reflecting user preference, multimedia can be efficiently managed with user's history (utilization result information) reflecting a user preference about TV program. In Fig. 9, Lee teaches usage history list (utilization result) w/ usage time, P\_ID(B) (program ID) (object content) and inherent characteristic information and common characteristic information and the link (generating content management information). Therefore Lee teaches the claimed limitations.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairy A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 7:00AM-4:30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100